

applying such subsections, creditable service shall include service performed as an employee of the United States Capitol telephone exchange or a member of the Capitol Police whether compensation therefor is disbursed by the Chief Administrative Officer of the House of Representatives or the Secretary of the Senate.

(Pub. L. 95-391, title III, §310, Sept. 30, 1978, 92 Stat. 790; Pub. L. 104-186, title II, §204(8), Aug. 20, 1996, 110 Stat. 1731.)

TRANSFER OF FUNCTIONS

Statutory functions, duties, or authority of Chief Administrative Officer of the House of Representatives or the Secretary of the Senate as disbursing officers for the Capitol Police transferred to Chief of the Capitol Police, and references in any law or resolution before Feb. 20, 2003, to funds paid or disbursed by Chief Administrative Officer of the House of Representatives and Secretary of the Senate relating to pay and allowances of Capitol Police employees deemed to refer to Chief of the Capitol Police. See section 1907(a) of this title.

INAPPLICABILITY OF SECTION TO CERTAIN EMPLOYEES ON AND AFTER OCTOBER 1, 1983

Section 60j of this title, referred to in text, not to apply, on or after Oct. 1, 1983, to any individual whose pay is disbursed by the Secretary of the Senate except for individuals entitled to longevity compensation prior to Oct. 1, 1983, on the basis of service performed prior to such date, see section 60j-4 of this title.

AMENDMENTS

1996—Pub. L. 104-186 struck out “(a)” before “The provisions” and substituted “Chief Administrative Officer” for “Clerk” in two places.

§ 60j-3. Repealed. Pub. L. 97-276, § 101(e), Oct. 2, 1982, 96 Stat. 1189

Section, Pub. L. 95-391, title I, §109, Sept. 30, 1978, 92 Stat. 773; Pub. L. 96-304, title I, §107(c), July 8, 1980, 94 Stat. 890, provided for merit compensation for employees rated as outstanding and exceptional by Secretary of Senate and Sergeant at Arms and Doorkeeper, respectively.

EFFECTIVE DATE OF REPEAL

Section 101 of S. 2939, 97th Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97-276, to be effective as if enacted into law, provided that the repeal is effective Oct. 1, 1982.

REPORTS COVERING FISCAL YEAR ENDING SEPTEMBER 30, 1982

Section 101 of S. 2939, 97th Congress, 2d Session, as reported Sept. 22, 1982, and incorporated by reference in section 101(e) of Pub. L. 97-276, to be effective as if enacted into law, provided in part that the reports required by subsec. (e) of this section with respect to the fiscal year ending Sept. 30, 1982, be filed notwithstanding the repeal. Subsec. (e) of this section had required that within thirty days following the end of each fiscal year, the Secretary of the Senate and the Sergeant at Arms and Doorkeeper file reports with the Senate Committee on Appropriations detailing the use and implementation of the authority contained in this section and that such reports include the names of all employees receiving merit compensation under authority of this section at the end of the fiscal year, the positions occupied by them and the date when each such employee first began to receive merit compensation.

§ 60j-4. Longevity compensation not applicable to individuals paid by Secretary of Senate; savings provision

Section 60j of this title on or after October 1, 1983 shall not apply to any individual whose pay is disbursed by the Secretary of the Senate; except that, any individual who prior to such date was entitled to longevity compensation under such section on the basis of service performed prior to such date shall continue to be entitled to such compensation, but no individual shall accrue any longevity compensation on the basis of service performed on or after such date.

(Pub. L. 98-51, title I, §107, July 14, 1983, 97 Stat. 267.)

CODIFICATION

Section is from the Congressional Operations Appropriation Act, 1984, which is title I of the Legislative Branch Appropriation Act, 1984.

§ 60k. Application of rights and protections of Fair Labor Standards Act of 1938 to Congressional and Architect of Capitol employees

(a) House employees

(1) In general

Not later than 180 days after the date the minimum wage rate prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is increased pursuant to the amendment made by section 2, the rights and protections under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) shall apply with respect to any employee in an employment position in the House of Representatives and to any employing authority of the House of Representatives.

(2) Administration

In the administration of this subsection, the remedies and procedures under the Fair Employment Practices Resolution shall be applied. As used in this paragraph, the term “Fair Employment Practices Resolution” means House Resolution 558, One Hundredth Congress, agreed to October 4, 1988, as continued in effect by House Resolution 15, One Hundred First Congress, agreed to January 3, 1989.

(b) Architect of Capitol employees

Not later than 180 days after the date the minimum wage rate prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is increased pursuant to the amendment made by section 2, the rights and protections under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) shall apply with respect to individuals employed under the Office of the Architect of the Capitol.

(Pub. L. 101-157, §8, Nov. 17, 1989, 103 Stat. 944.)

REFERENCES IN TEXT

Section 2, referred to in text, is section 2 of Pub. L. 101-157, Nov. 17, 1989, 103 Stat. 938, which amended section 206(a)(1) of Title 29, Labor, to increase the minimum wage.

The Fair Labor Standards Act of 1938, referred to in text, is act June 25, 1938, ch. 676, 52 Stat. 1060, as amended, which is classified generally to chapter 8

(§201 et seq.) of Title 29. For complete classification of this Act to the Code, see section 201 of Title 29 and Tables.

House Resolution 558, referred to in subsec. (a)(2), was made applicable during the One Hundred Second Congress by Rule LI of the Rules of the House of Representatives of the One Hundred Second Congress. For the One Hundred Third Congress and One Hundred Fourth Congress, Rule LI was amended generally and, as so amended, contained provisions relating to fair employment practices. Rule LI was repealed by H. Res. No. 5, §23(a), One Hundred Fifth Congress, Jan. 7, 1997. See section 1301 et seq. of this title.

§ 601. Coverage of House and agencies of legislative branch

(a) Coverage of House

(1) In general

Notwithstanding any provision of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) or of other law, the purposes of such title shall, subject to paragraph (2), apply in their entirety to the House of Representatives.

(2) Employment in House

(A) Application

The rights and protections under title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to subparagraph (B), apply with respect to any employee in an employment position in the House of Representatives and any employing authority of the House of Representatives.

(B) Administration

(i) In general

In the administration of this paragraph, the remedies and procedures made applicable pursuant to the resolution described in clause (ii) shall apply exclusively.

(ii) Resolution

The resolution referred to in clause (i) is the Fair Employment Practices Resolution (House Resolution 558 of the One Hundredth Congress, as agreed to October 4, 1988), as incorporated into the Rules of the House of Representatives of the One Hundred Second Congress as Rule LI,¹ or any other provision that continues in effect the provisions of such resolution.

(C) Exercise of rulemaking power

The provisions of subparagraph (B) are enacted by the House of Representatives as an exercise of the rulemaking power of the House of Representatives, with full recognition of the right of the House to change its rules, in the same manner, and to the same extent as in the case of any other rule of the House.

(b) Instrumentalities of Congress

(1) In general

The rights and protections under this title¹ and title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) shall, subject to paragraph (2), apply with respect to the conduct of each instrumentality of the Congress.

(2) Establishment of remedies and procedures by instrumentalities

The chief official of each instrumentality of the Congress shall establish remedies and procedures to be utilized with respect to the rights and protections provided pursuant to paragraph (1). Such remedies and procedures shall apply exclusively, except for the employees who are defined as Senate employees, in section 2000e-16a(c)(1)¹ of title 42.

(3) Report to Congress

The chief official of each instrumentality of the Congress shall, after establishing remedies and procedures for purposes of paragraph (2), submit to the Congress a report describing the remedies and procedures.

(4) Definition of instrumentalities

For purposes of this section, instrumentalities of the Congress include the following: the Architect of the Capitol, the Congressional Budget Office, the General Accounting Office, the Government Printing Office, the Office of Technology Assessment, and the United States Botanic Garden.

(5) Construction

Nothing in this section shall alter the enforcement procedures for individuals protected under section 717 of title VII for the Civil Rights Act of 1964 (42 U.S.C. 2000e-16).

(Pub. L. 102-166, title I, §117, Nov. 21, 1991, 105 Stat. 1080.)

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsecs. (a)(1), (2)(A) and (b)(1), is Pub. L. 88-352, July 2, 1964, 78 Stat. 252, as amended. Title VII of the Act is classified generally to subchapter VI (§2000e et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

Rule LI of the Rules of the House of Representatives, referred to in subsec. (a)(2)(B)(ii), was amended generally for the One Hundred Third Congress and, as so amended, contained provisions relating to fair employment practices. Rule LI was continued without change for the One Hundred Fourth Congress. Rule LI was repealed by H. Res. No. 5, §23(a), One Hundred Fifth Congress, Jan. 7, 1997. See section 1301 et seq. of this title.

This title, referred to in subsec. (b)(1), is title I of Pub. L. 102-166, Nov. 21, 1991, 105 Stat. 1071, which enacted this section and section 1981a of Title 42, The Public Health and Welfare, amended section 626 of Title 29, Labor, and sections 1981, 1988, 2000e, 2000e-1, 2000e-2, 2000e-4, 2000e-5, 2000e-16, 12111, and 12112 of Title 42, and enacted provisions set out as notes under sections 1981, 2000e, and 2000e-4 of Title 42. For complete classification of title I to the Code, see Tables.

Section 2000e-16a of title 42, referred to in subsec. (b)(2), was amended generally by Pub. L. 104-1, title V, §504(a)(1), Jan. 23, 1995, 109 Stat. 40, and as so amended, subsec. (c) of section 2000e-16a of title 42 no longer contains paragraphs and no longer defines the term "Senate employee". See section 1301(8) of this title.

EFFECTIVE DATE

Section effective Nov. 21, 1991, except as otherwise provided, see section 402(a) of Pub. L. 102-166, set out as an Effective Date of 1991 Amendment note under section 1981 of Title 42, The Public Health and Welfare.

¹ See References in Text note below.